

burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the conditional approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to conditionally approve pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action under the SIP processing guidelines of the July 10, 1995 memorandum from the Assistant Administrator for Air and Radiation. Table 3 actions are delegated for Regional Administrator decision and signoff. The OMB has exempted this regulatory action from E.O. 12866 review.

The Regional Administrator's decision to approve or disapprove this SIP revision, pertaining to Maryland's major source VOC RACT and minor VOC source requirements, will be based on whether it meets the requirements of section 110(a)(2)(A)-(K), and Part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 16, 1996.

Stanley L. Laskowski,

*Acting Regional Administrator, Region III.*

[FR Doc. 96-4832 Filed 2-29-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 300

[FRL-5433-2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Kummer Sanitary Landfill from the

National Priorities List; Request for Comments.

**SUMMARY:** The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA and the State of Minnesota. Both Agencies have determined that no further Federal response under CERCLA is appropriate. Any necessary future response actions will be undertaken by the State under the Minnesota Landfill Law enacted in 1994.

**DATES:** Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 1, 1996.

**ADDRESSES:** Comments may be mailed to Terry Roundtree (SR-6J), Remedial Project Manager or Gladys Beard (SR-6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: The Bemidji City Library, 6th and Beltrami, Bemidji, MN 56601. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

**FOR FURTHER INFORMATION CONTACT:** Gladys Beard (SR-6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Cheryl Allen (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that may present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund) or by responsible parties. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

#### II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

### III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

### IV. Basis for Intended Site Deletion

The Kummer Landfill Sanitary is located in Northern Township, Beltrami County, Minnesota and borders the city of Bemidji. The Northern township has an estimated population of 3,997 in 1993 and contains a large mobile home park which is located east and southeast of the Site. The Kummer Landfill waste occupies approximately 23 acres in the southern portion of the township and is about 750 feet from the nearest residence. The landfill is situated above a shallow surficial sand aquifer which serves as a primary source of drinking water for the area.

In June 1984, the Site was placed on the National Priorities List (NPL), Federal Register 51 page 21071.

On September 29, 1984, the U. S. EPA and MPCA executed a Cooperative Agreement for implementing a Remedial Investigation/Feasibility Study (RI/FS). Following the discovery of ground water contamination, a Determination of Emergency was issued by the MPCA on July 17, 1984. This permitted the expenditure of State Superfund money for a temporary water supply for affected residents. The Minnesota Department of Health (MDH) and MPCA delineated a three and one-half block area east of the landfill as a well advisory area. On August 28, 1994, the MPCA authorized the expenditure of State Superfund money for a focused FS on a water system for the advisory area. Eighty-one property owners received

letters from MDH on August 29, 1984, which notified them that they should discontinue the use of their private wells for drinking and cooking purposes.

Because of the complexity of work at the Kummer Sanitary Landfill, the activities at the site have been divided into three operable units, which are:

- Operable Unit 1. Northern Township Municipal Water System
- Operable Unit 2. Source Control of contaminants emanating from the landfill
- Operable Unit 3. Management of the contaminated ground water

On June 12, 1985, a Record of Decision (ROD) for Operable Unit 1 was signed which selected an alternative water supply as the remedial action. The selected remedy provided for an extension of the existing public water supply from the city of Bemidji. Construction of the water system began in June 1987, and was completed in the summer of 1990. A total of 198 connections to individual homes, businesses, and a mobile home park were completed in operable unit one.

Due to the complexity of the site, the RI investigation was completed in phases. The Final RI Report was approved in May 1990. The Source Control Operable Unit (Operable Unit 2) FS was completed in September 1988. On September 30, 1988, a second ROD was signed which selected a cover system for the landfill as the remedial action for Operable Unit 2. The selected remedy included a low permeability cap, site deed restrictions, fencing and long-term operation and maintenance to provide inspections and repairs to the cap. The Construction of the cap was completed in October 1991.

The Ground Water Operable unit (Operable Unit 3) RI/FS was completed in July, 1990. Three ground water monitoring programs were completed, and eight rounds of data were collected. The results revealed that VOCs were being introduced into the shallow ground water by the landfill. However, ground water monitoring has shown that the plume does not extend to Lake Bemidji.

On September 29, 1990, a third ROD was signed which selected a remedy that included ground water extraction for an estimated period of 30 years, during which the system's performance would be carefully monitored on a regular basis and adjusted as warranted by the performance data collected during operation.

On November 21, 1995, a ROD Amendment was signed concerning the ground water Operable unit (OU3). The remedy selected was bioremediation

which provides no exposure of contaminated ground water to potential receptors. The major components of the amended remedy for OU3 include:

- Installation of a pilot scale field demonstration to determine the feasibility of insitu biodegradation of the chemicals of concern;
- Installation of a full scale insitu bioremediation system after one year of operation of the pilot scale field demonstration if necessary to meet the Maximum Contaminant Level (MCL) for chemicals of concern located in ground water;
- Long term monitoring of ground water to verify that the concentrations of the chemicals of concern are continuing to decline and to measure performance of the pilot scale field demonstration and or full scale insitu bioremediation system;
- Continued observance of the Minnesota Health Department Well Advisory which regulates the location of future potable wells near the Site;
- Institutional Controls in the form of Site access restrictions that protect the remedy; and operation and maintenance of the remedy, including periodic inspection of the Site.

The public accepted the remedy in the 1990 OU3 ROD. A public information meeting was held by the State of Minnesota on June 5, 1995, in Northern Township to inform interested parties on the amend remedy and the State's desire to amend the 1990 ROD. There were no strong comments against the change in the remedy.

In 1994, the Legislature of the State of Minnesota enacted the Landfill Cleanup Law, Minn. Laws 1994, ch. 639, codified at Minn. Stat. §§ 115B.39 to 115B.46 (the Act), authorizing the Commissioner of the Minnesota Pollution Control Agency (MPCA) to assume responsibility for future environmental response actions at qualified landfills that have received notices of compliance from the Commissioner of MPCA. Additionally, the Act established funds to enable the MPCA to perform all necessary response, operation and maintenance at such landfills. At sites where no responsible parties are conducting response actions under CERCLA, MPCA is responsible for issuing a notice of compliance, after it determines that all work that could be expected under a state order or under state closure requirements has been completed.

A notice of compliance was issued by MPCA for the Kummer Sanitary Landfill Site on November 7, 1995. MPCA has since assumed all responsibility for the Kummer Landfill under the Act. Therefore, no further response actions

under CERCLA are appropriate at this time. Consequently, U.S. EPA proposed to delete the site from the NPL.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Kummer Sanitary Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Dated: February 20, 1996.

Valdas V. Adamkus,  
Regional Administrator, U.S. EPA, Region V.  
[FR Doc. 96-4830 Filed 2-29-96; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 96-19; RM-8744]

#### Television Broadcasting Services; Geneseo, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Renard Communications Corp. seeking the allotment of UHF TV Channel 39- to Geneseo, NY, as the community's first local television transmission service. Channel 39- can be allotted to Geneseo in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.4 kilometers (13.3 miles) east, at coordinates 42-46-10 North Latitude and 77-33-21 West Longitude, to avoid a short-spacing to TV Channel 39+ at Kitchener, Ontario. Canadian concurrence is required since Geneseo is located within 400 kilometers (250 miles) of the U.S.-Canadian border. This proposed allotment is not affected by the Commission's freeze on new allotments in certain metropolitan areas.

**DATES:** Comments must be filed on or before April 12, 1996, and reply comments on or before April 29, 1996.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Craig L. Fox, President, Renard Communications Corp. 4853 Manor Hill Drive, Syracuse, New York 13215-1336 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 96-19, adopted February 6, 1996, and released February 20, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-4787 Filed 2-29-96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Ohlone Tiger Beetle as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the Ohlone tiger beetle (*Cicindela ohlone*) as endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. The Ohlone tiger beetle was discovered in 1990 and

is currently known only from Santa Cruz County, California. The five known populations may be threatened by the following factors: habitat fragmentation and destruction due to urban development, habitat degradation due to invasion of non-native vegetation, and vulnerability to stochastic local extirpations. However, the Service finds that the information presented in the petition, in addition to information in the Service's files, does not provide conclusive data on biological vulnerability and threats to the species and/or its habitat. Available information does not confirm that the species is limited to a specific habitat type. After review of all available scientific and commercial information, the Service determines that listing is not warranted for the Ohlone tiger beetle at this time.

**DATES:** The finding announced in this document was made on November 9, 1995. Comments and information concerning this finding may be submitted until further notice.

**ADDRESSES:** Data, information, comments or questions concerning this petition finding may be submitted to the Field Supervisor, Ventura Field Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. The petition, finding, supporting data and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Carl Benz, Assistant Field Supervisor, Listing and Recovery (See **ADDRESSES** section) at 805/644-1766.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Service make a finding within 12 months of the date of receipt of the petition whether the petitioned action is (a) not warranted, (b) warranted, or (3) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the Federal Register.

On February 18, 1993, the Service received a petition from Randall Morgan of Soquel, California requesting that the Service add the Ohlone tiger beetle (*Cicindela ohlone*) to the list of threatened and endangered species pursuant to the Act. The petition specified endangered status because of